

the examiner and the applicant is based upon the reading of the claims and that agreement on the content of the claims will lead to agreement concerning which claims read on the elected species. The applicant elected the species of Figs. 1, 2, 5 and 6. Figs. 2 and 6 show the fitting in an untightened condition, and Figs. 1 and 5 show the fitting in a tightened condition. Thus, these figures show a gasket having an inner diameter which is initially smaller than the inner diameters of the farthest extending portions of the annular end formations of the tubular elements (Figs. 2 and 6). However, upon tightening of the fitting, the inner diameter of the gasket is made equal to the inner diameters of the farthest extending portions, as shown in Figs. 1 and 5. This is different from the way the examiner has characterized the species shown in these figures. The examiner has stated that the elected invention comprises a sealing structure in which the gasket has an initial diameter that is somewhat greater than the inner diameters of the tubular members. As can be seen from Figs. 2 and 6, the opposite is true.

The claims which use the term "substantially equal" rather than "equal" encompass the species of Figs. 1, 2, 5 and 6, as well as other species, since things which are equal are "substantially equal". At the bottom of page 2 of Election and Amendment filed on July 20, 1993, it was pointed out that at least several, if not most, of the claims of the present application are generic to all of the species identified by the Examiner. Since things which are equal are encompassed by the description "substantially equal", claims which recite "substantially equal" are drawn to the embodiments of Figs. 1, 2, 5 and 6, as well as other embodiments illustrated in the present application. Therefore, consideration of claims 1-11, 15, 16 and 18 is respectfully requested.

In response to the rejection of claims 19-22 under 35 USC 112, claim 19 has been amended to eliminate the term "minimum dead volume" per se and, instead, substitute a "whereby" clause which refers to dead volume being "minimized" and specifies that this

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takes place when a sealing condition exists in the fitting.

The rejection of claims 19 and 20 on the ground of obviousness-type double patenting in view of claims 1, 6 and 9 of U.S. Patent No. 5,222,747 is respectfully traversed. The cited claims in the patent all call for an annular beveled surface, or other words defining the same structure, and no such structure is called for by claims 19 and 20 of the present application. Therefore, different inventions are being claimed. Furthermore, the examiner has not suggested that it would have been obvious, and it would have not been obvious, to put a beveled section on a gasket which did not have a beveled section. The basis of a double patenting rejection is that the claims in the present application claim substantially the same invention as the claims in the earlier patent. That is not the situation with the claims described above.

With respect to the rejection of claim 23 on the ground of double patenting, it is pointed out that claim 23 of the present application is a method claim, whereas claims 1, 6 and 9 of the '747 patent are all apparatus claims. Furthermore, claim 23 calls for the step of tightening annular end formations against beveled faces to enlarge the inner diameter of the gasket to a diameter substantially equal to the inner diameter of farthest extending portions of first and second annular end formations. The claims of the '747 patent do not recite or suggest such a step. The Examiner refers to part of the specification of the '747 patent as treating the forming of a seal of the type claimed. However, the specification of the '747 patent is not available as a prior art reference against the claims of the present application. Method claim 23 of the present application recites subject matter which is considerably different from the subject matter of the apparatus claims of the '747 patent and, therefore, does not constitute an attempt at double patenting the same invention.

Claims 19, 20 and 23 were rejected under 35 USC 103 as being unpatentable over Leigh in view of White. The examiner states that this rejection is set forth in paragraph 5 of the Office Action mailed on 3/30/90 in the parent application, and the examiner

incorporates that rejection and its associated comments by reference. The applicant points out that a response to that rejection was contained in the amendment filed in the parent application on July 2, 1990. It is noted that the examiner has not commented on the arguments presented in that response. It is pointed out that this issue was discussed back and forth in the parent application, and it is requested that all of the discussions on the issue in the parent application be taken into account in the present application.

The notification that references to "PCT '378" should be treated as references to PCT '3495 and the restarting of the period for response are acknowledged with appreciation. Claims 19 and 20 were rejected under 35 USC 102 as being anticipated by the PCT reference. The applicant points out that claims 19 and 20 both call for a face seal fitting in which the annular sealing bead has, in axial cross section, a rounded outer profile and a rectilinear inner profile. Neither of the embodiments of Figs. 1 and 4 of the PCT reference disclose fittings in which an annular sealing bead has a rounded outer profile and an rectilinear inner profile. The beads 5, 5', 30 and 31 all have rounded inner profiles. Thus, at least this feature of claims 19 and 20 is not disclosed in the PCT reference.

The method of claim 23 calls for tightening the annular end formations against the beveled faces to enlarge the inner diameter of the gasket. In the present invention, as can be seen from the gasket in its untightened condition, for example, in Fig. 2, the annular end formations engage the beveled portions of the gasket before engaging the flat or vertical surfaces of the inner portion of the gasket. As a result, the forces on the beveled surfaces tend to deform the gasket radially outward before the annular end formations engage the flat vertical surfaces of the inner portion of the gasket. Thus, the inner diameter of the gasket of the diameter is enlarged, as is called for by claim 23. The specific tightening step of claim 23 is not disclosed in the PCT reference. Furthermore, this step is not inherent from the structure of Fig.

2 of the PCT reference. There is no suggestion in the PCT reference that the inner diameter of the gasket 20 of Fig. 2 is at any time different from the diameter illustrated in Fig. 2. There is no disclosure that the inner diameter of the gasket is different from the inner diameter of the tubes prior to tightening.

It is submitted that all of the claims in the application are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested.

Respectfully submitted,

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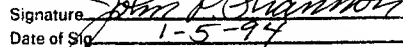

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